

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13CV391-GCM-DCK

NORMAN PATRICK CALDWELL,)
Plaintiff,)
)
Vs.)
)
SHAW INDUSTRIES GROUP, INC.,)
et al.,)
Defendants.)
_____)

ORDER

This matter is before the Court upon the memorandum and recommendation of United States Magistrate David C. Keesler, filed October 15, 2013. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. It appears to the court that the parties have not filed any such objections.

After an independent and thorough review of the magistrate's memorandum, the court concludes that there is no clear error on the face of the record and that the recommendation to deny without prejudice Defendants' Motion to Dismiss or, in the Alternative, Motion to Strike is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted and Defendants' motion is DENIED WITHOUT PREJUDICE.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the magistrate is hereby AFFIRMED.

Signed: November 13, 2013



Graham C. Mullen
United States District Judge

